

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**
GARY R. ST. MARY,

Petitioner,

**9:18-cv-633
(GLS/DJS)**

v.

R. COVENY,

Respondent.

APPEARANCES:

OF COUNSEL:

FOR PETITIONER:

Gary R. St. Mary

Pro Se

16-A-1179

Attica Correctional Facility

Box 149

Attica, NY 14011

FOR RESPONDENT:

HON. LETITIA JAMES

New York State Attorney General

28 Liberty Street

New York, NY 10005

LISA E. FLEISCHMANN

Assistant Attorney General

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report-Recommendation and Order (R&R) by Magistrate Judge Daniel J. Stewart duly filed on April 8, 2019. (Dkt. No. 12.) Following fourteen days from the

service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 12) is **ADOPTED** in its entirety; and it is further

ORDERED that the Petition (Dkt. No. 1) is **DENIED** and **DISMISSED**; and it is further

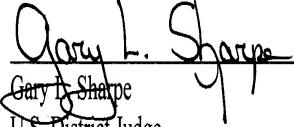
ORDERED that no Certificate of Appealability shall be issued because Petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(2); and it is further

ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk provide a copy of this Order to plaintiff in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

May 6, 2019
Albany, New York


Gary L. Sharpe
U.S. District Judge